

REMARKS

Applicants have carefully considered the grounds of rejection set forth in the Official Action dated July 17, 2002. This application is now submitted to be allowable in view of the foregoing amendment s and following remarks.

The specification has been amended to include an indication that application No. 09/231,780 is now U.S. Patent No. 6,347,847. In addition, certain other amendments to the specification, like those entered in the '847 patent, have also been made.

All of the rejected claims have been canceled in favor of a new set of claims 21-34.

Newly presented independent claims 21, 27, 30 and 33 are patterned after claims 1, 31, 54 and 62, respectively, of the '847 patent. The language of the newly presented independent claims has been changed to emphasize that the apparatus is for transporting articles between working locations and when at working locations, functions in two ways. First, with the removable container or toolbox secured or mounted above the base container at a working location, the removable container or toolbox can be removed from above the base container and carried separately by its handle at the working location. Second, with the removable container or toolbox secured or mounted above the base container at the working location, access is permitted to the upwardly facing opening of the removable container or toolbox at the working location by pivoting the lid to an open position when the removable container or toolbox is secured or mounted above the base container.

The '847 patent claims were allowed after the independent claims were amended to recite that the container portion has a generally upwardly facing opening when the apparatus is standing upright and the toolbox or at least one removable container is mounted above the base container, and that the lid is pivotable when the at least one movable container (or toolbox) is disposed above the base container between i) a closed position wherein the lid covers the upwardly facing openings of the container portion, and ii) an open position. This language was inserted to highlight the fact that the claimed invention included at least one container having characteristics of a toolbox, which toolbox is mounted above the base container and that can be released from the base container so as to be able to be used as a stand-

alone toolbox. The claim language was added to distinguish over prior art such as Spranger reference, which operates as a display case (not a toolbox) and does not permit access through an upwardly facing removable container opening when a container is removably mounted above a base container.

The present independent claims include limitations similar to those in the '847 patent that capture the essence of the distinction noted above. The claims are also broader in some respects. For example, rather than specifically claiming the latch assembly, the claims now recite that the at least one removable container (or toolbox) is secured above the base container so as to be retained in secured relation above the base container while the apparatus is in the tilted rolling movement position.

In addition, dependent claims have been added to capture other aspects of the invention. For example, dependent claims 26, 29, 32 and 34 recite that the base container provides a ground engaging surface that supports the apparatus when the apparatus is standing at a desired location. This makes clear that the independent claims from which these claims depend are not so-limited.

It is respectfully submitted that the apparatus as now claimed is not fairly taught or suggested by any valid combination of references of record, particularly including the Craftsman Catalog, Dickinson, Chi, Cottrell, Applicants' Figs. 17A and 19A, and Meisner references relied upon in the initial Office Action to reject the much broader cancelled claims 1-20.

In order to preclude the advancement of a double patenting rejection, Applicants submit herewith a terminal disclaimer.

In view of the above, it is submitted that the application is in condition for allowance and formal notice thereof is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:

Jack S. Barufka

Reg. No.:37087

Tel. No.: (703) 905-2012

Fax No.: (703) 905-2500

JSB

1600 Tysons Boulevard
McLean, VA 22102
(703) 905-2000

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification is changed as follows:

Page 1, line 17, a new paragraph has been added.

Page 10, after line 21, a new paragraph has been added.

Page 23, delete the three whole paragraphs beginning in line 12 and ending with line 18, and replace it with the following new paragraphs.

Assembly 200 further includes at least one additional cabinet or removable container (these terms being used interchangeably) 206 which is removably connectable (by snapping) on top 208 of base cabinet 202.

Additional cabinet 206 includes a pulling handle 210 for effecting locomotion.
The pulling handle 210 has a hand grip portion 211.

According to a preferred embodiment additional cabinet [208] 206 is a clamshell style case or toolbox 212 and/or a carousel organizer 214. Figure 32 illustrates the removable container 206 as only the clamshell tool case 212.

Page 23, after line 23, four paragraphs have been added.

Page 24, delete the first whole paragraph starting in line 1, and replace it with the following new paragraph.

According to a preferred embodiment base cabinet 202 includes accessories 218 anchor points 220. Accessories 218 may be of any type. Accessories 218 anchor points 220 serve as a custom attachment feature present on base cabinet 202 which allows various molded components with different functionality to be attached thereon to tune the product for specific purposes (e.g., fishing, gardening, etc.). In the embodiments shown, the accessory 218 has a relatively narrow portion adjacent to the base container and a relatively wider portion extending vertically in

spaced relation from the base container. This can be used, for example, to wrap an extension cord therearound. Other features of assembly 200 are similar to those described hereinabove with respect to assembly 50.